

HOUSE BILL NO. 5666

March 17, 2020, Introduced by Reps. Yaroch, Vaupel and Marino and referred to the Committee on Elections and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 207, 268, 327, 369, and 383 (MCL 168.207, 168.268, 168.327, 168.369, and 168.383), section 327 as amended by 1982 PA 505 and section 383 as amended by 2018 PA 120.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 207. ~~The governor may remove any and all county officers~~
2 ~~named in section 200 of this chapter when he shall be satisfied~~



1 ~~from sufficient evidence submitted to him, as hereinafter provided,~~
2 ~~that such officer has been guilty of official misconduct, or of~~
3 ~~wilful neglect of duty, or of extortion, or habitual drunkenness,~~
4 ~~or has been convicted of being drunk, or whenever it shall appear~~
5 ~~by a certified copy of the judgment of a court of record of this~~
6 ~~state that such officer, after his election or appointment, shall~~
7 ~~have been convicted of a felony; but the governor shall take no~~
8 ~~action upon any such charges made to him against any such officer~~
9 ~~until the same shall have been exhibited to him in writing,~~
10 ~~verified by the affidavit of the party making them, that he~~
11 ~~believes the charges to be true. But no such officer shall be~~
12 ~~removed for such misconduct or neglect until charges thereof shall~~
13 ~~have been exhibited to the governor as above provided and a copy of~~
14 ~~the same served on such officer and an opportunity given him of~~
15 ~~being heard in his defense: Provided, That the service of such~~
16 ~~charges upon the person or persons complained against shall be made~~
17 ~~by handing to such person or persons a copy of such charges,~~
18 ~~together with all affidavits or exhibits which may be attached to~~
19 ~~the original petition if such person or persons can be found; and~~
20 ~~if not, by leaving a copy at the last place of residence of such~~
21 ~~person or persons, with some person of suitable age, if such person~~
22 ~~can be found; and if not, by posting it in some conspicuous place~~
23 ~~upon his last known place of residence. No officer who has been~~
24 ~~removed in accordance with the provisions of this section shall be~~
25 ~~eligible to election or appointment to any office for a period of 3~~
26 ~~years from the date of such removal.~~

27 **(1) The governor may remove or suspend a county officer named**
28 **in section 200 from office under this section if the governor is**
29 **satisfied from the evidence submitted to the governor that the**



1 county officer is guilty of gross neglect of duty, corrupt conduct
2 in office, or any other misfeasance or malfeasance in office.

3 (2) Before the governor removes or suspends a county officer
4 under this section, all of the following procedures must be
5 followed:

6 (a) Charges must be submitted to the governor in writing
7 specifying the grounds for removal or suspension. The charges must
8 be accompanied by any supporting evidence and by the affidavit of
9 the individual making the charges verifying that the individual
10 believes the charges to be true.

11 (b) A copy of the charges must be served on the county
12 officer. Service must be made as follows:

13 (i) If the county officer can be found, by handing the county
14 officer a copy of the charges and of any affidavits or exhibits
15 accompanying the charges.

16 (ii) If the county officer cannot be found, by leaving a copy
17 of the charges and of any affidavits or exhibits accompanying the
18 charges with an individual of suitable age at the county officer's
19 last known place of residence or, if an individual of suitable age
20 is not available, by posting the copy or copies in a conspicuous
21 place at the county officer's last known place of residence.

22 (c) The county officer must be given an opportunity to respond
23 to the charges.

24 (d) Within 60 days after receiving charges under this
25 subsection, the governor shall do both of the following:

26 (i) Review the charges to determine whether the evidence
27 supports a finding of gross neglect of duty, corrupt conduct in
28 office, or any other misfeasance or malfeasance in office by the
29 county officer.



1 (ii) Notify the individual making the charges of the
2 determination made under subparagraph (i).

3 (3) The governor may consider the determination under
4 subsection (2) (d) (i) in exercising his or her duties under any law
5 of this state relating to the removal of a county officer.

6 (4) An individual removed from office under this section is
7 not eligible for election or appointment to any office for a period
8 of 3 years after the date of removal.

9 Sec. 268. ~~The governor may remove any county road commissioner~~
10 ~~when he shall be satisfied from sufficient evidence submitted to~~
11 ~~him, as hereinafter provided, that such officer has been guilty of~~
12 ~~official misconduct, or of wilful neglect of duty, or of extortion,~~
13 ~~or habitual drunkenness, or has been convicted of being drunk, or~~
14 ~~whenever it shall appear by a certified copy of the judgment of a~~
15 ~~court of record of this state that such officer, after his election~~
16 ~~or appointment, shall have been convicted of a felony; but the~~
17 ~~governor shall take no action upon any such charges made to him~~
18 ~~against any such officer until the same shall have been exhibited~~
19 ~~to him in writing, verified by the affidavit of the party making~~
20 ~~them, that he believes the charges to be true. But no such officer~~
21 ~~shall be removed for such misconduct or neglect until charges~~
22 ~~thereof shall have been exhibited to the governor as above provided~~
23 ~~and a copy of the same served on such officer and an opportunity~~
24 ~~given him of being heard in his defense: Provided, That the service~~
25 ~~of such charges upon the person or persons complained against shall~~
26 ~~be made by handing to such person or persons a copy of such~~
27 ~~charges, together with all affidavits or exhibits which may be~~
28 ~~attached to the original petition if such person or persons can be~~
29 ~~found; and if not, by leaving a copy at the last place of residence~~



~~1 of such person or persons, with some person of suitable age, if
2 such person can be found; and if not, by posting it in some
3 conspicuous place upon his last known place of residence. No
4 officer who has been removed in accordance with the provisions of
5 this section shall be eligible to election or appointment to any
6 office for a period of 3 years from the date of such removal.~~

7 (1) The governor may remove or suspend a county road
8 commissioner from office under this section if the governor is
9 satisfied from the evidence submitted to the governor that the
10 county road commissioner is guilty of gross neglect of duty,
11 corrupt conduct in office, or any other misfeasance or malfeasance
12 in office.

13 (2) Before the governor removes or suspends a county road
14 commissioner under this section, all of the following procedures
15 must be followed:

16 (a) Charges must be submitted to the governor in writing
17 specifying the grounds for removal or suspension. The charges must
18 be accompanied by any supporting evidence and by the affidavit of
19 the individual making the charges verifying that the individual
20 believes the charges to be true.

21 (b) A copy of the charges must be served on the county road
22 commissioner. Service must be made as follows:

23 (i) If the county road commissioner can be found, by handing
24 the county road commissioner a copy of the charges and of any
25 affidavits or exhibits accompanying the charges.

26 (ii) If the county road commissioner cannot be found, by
27 leaving a copy of the charges and of any affidavits or exhibits
28 accompanying the charges with an individual of suitable age at the
29 county road commissioner's last known place of residence or, if an



1 individual of suitable age is not available, by posting the copy or
 2 copies in a conspicuous place at the county road commissioner's
 3 last known place of residence.

4 (c) The county road commissioner must be given an opportunity
 5 to respond to the charges.

6 (d) Within 60 days after receiving charges under this
 7 subsection, the governor shall do both of the following:

8 (i) Review the charges to determine whether the evidence
 9 supports a finding of gross neglect of duty, corrupt conduct in
 10 office, or any other misfeasance or malfeasance in office by the
 11 county road commissioner.

12 (ii) Notify the individual making the charges of the
 13 determination made under subparagraph (i).

14 (3) The governor may consider the determination under
 15 subsection (2) (d) (i) in exercising his or her duties under any law
 16 of this state relating to the removal of a county road
 17 commissioner.

18 (4) An individual removed from office under this section is
 19 not eligible for election or appointment to any office for a period
 20 of 3 years after the date of removal.

21 ~~Sec. 327. The governor shall remove all city officers chosen~~
 22 ~~by the electors of a city or any ward or voting district of a city,~~
 23 ~~when the governor is satisfied from sufficient evidence submitted~~
 24 ~~to the governor that the officer has been guilty of official~~
 25 ~~misconduct, wilful neglect of duty, extortion, or habitual~~
 26 ~~drunkenness, or has been convicted of being drunk, or whenever it~~
 27 ~~appears by a certified copy of the judgment of a court of record of~~
 28 ~~this state that a city officer, after the officer's election or~~
 29 ~~appointment, has been convicted of a felony. The governor shall not~~



1 ~~take action upon any charges made to the governor against a city~~
2 ~~officer until the charges have been exhibited to the governor in~~
3 ~~writing, verified by the affidavit of the party making them, that~~
4 ~~he or she believes the charges to be true. But a city officer shall~~
5 ~~not be removed for misconduct or neglect until charges of~~
6 ~~misconduct or neglect have been exhibited to the governor as~~
7 ~~provided in this section and a copy of the charges served on the~~
8 ~~officer and an opportunity given the officer of being heard in his~~
9 ~~or her defense. The service of the charges upon the officer~~
10 ~~complained against shall be made by personal service to the officer~~
11 ~~of a copy of the charges, together with all affidavits or exhibits~~
12 ~~which may be attached to the original petition, if the officer can~~
13 ~~be found; and if not, by leaving a copy at the last known place of~~
14 ~~residence of the officer, with a person of suitable age, if a~~
15 ~~person of suitable age can be found; and if not, by posting the~~
16 ~~copy of the charges in a conspicuous place at the officer's last~~
17 ~~known place of residence. An officer who has been removed from~~
18 ~~office pursuant to this section shall not be eligible for election~~
19 ~~or appointment to any office for a period of 3 years from the date~~
20 ~~of the removal. A person who has been convicted of a violation of~~
21 ~~section 12a(1) of Act No. 370 of the Public Acts of 1941, being~~
22 ~~section 38.412a of the Michigan Compiled Laws, shall not be~~
23 ~~eligible for election or appointment to an elective or appointive~~
24 ~~city office for a period of 20 years after conviction.~~

25 **(1) The governor may remove or suspend a city officer chosen**
26 **by the electors of a city or a ward or voting district of a city**
27 **from office under this section if the governor is satisfied from**
28 **the evidence submitted to the governor that the city officer is**
29 **guilty of gross neglect of duty, corrupt conduct in office, or any**



1 other misfeasance or malfeasance in office.

2 (2) Before the governor removes or suspends a city officer
3 under this section, all of the following procedures must be
4 followed:

5 (a) Charges must be submitted to the governor in writing
6 specifying the grounds for removal or suspension. The charges must
7 be accompanied by any supporting evidence and by the affidavit of
8 the individual making the charges verifying that the individual
9 believes the charges to be true.

10 (b) A copy of the charges must be served on the city officer.
11 Service must be made as follows:

12 (i) If the city officer can be found, by handing the city
13 officer a copy of the charges and of any affidavits or exhibits
14 accompanying the charges.

15 (ii) If the city officer cannot be found, by leaving a copy of
16 the charges and of any affidavits or exhibits accompanying the
17 charges with an individual of suitable age at the city officer's
18 last known place of residence or, if an individual of suitable age
19 is not available, by posting the copy or copies in a conspicuous
20 place at the city officer's last known place of residence.

21 (c) The city officer must be given an opportunity to respond
22 to the charges.

23 (d) Within 60 days after receiving charges under this
24 subsection, the governor shall do both of the following:

25 (i) Review the charges to determine whether the evidence
26 supports a finding of gross neglect of duty, corrupt conduct in
27 office, or any other misfeasance or malfeasance in office by the
28 city officer.

29 (ii) Notify the individual making the charges of the



1 determination made under subparagraph (i).

2 (3) The governor may consider the determination under
3 subsection (2) (d) (i) in exercising his or her duties under any law
4 of this state relating to the removal of a city officer.

5 (4) An individual removed from office under this section is
6 not eligible for election or appointment to any office for a period
7 of 3 years after the date of removal.

8 Sec. 369. ~~The governor shall remove a township officer chosen~~
9 ~~by the electors of any township, when the governor is satisfied~~
10 ~~from the evidence submitted that the officer has been guilty of~~
11 ~~official misconduct, wilful neglect of duty, extortion, habitual~~
12 ~~drunkenness, or has been convicted of being drunk, or when it~~
13 ~~appears by a certified copy of the judgment of a court of record of~~
14 ~~this state that the officer, after the officer's election or~~
15 ~~appointment, was convicted of a felony. The governor shall not take~~
16 ~~action upon the charges made against the officer until the charges~~
17 ~~are exhibited in writing, verified by the affidavit of the party~~
18 ~~making the charges that the party believes the charges to be true.~~
19 ~~The officer shall not be removed for misconduct or neglect until~~
20 ~~charges of the misconduct or neglect are exhibited to the governor~~
21 ~~as provided in this section, a copy of the charges served on the~~
22 ~~officer, and an opportunity given to the officer of being heard in~~
23 ~~his defense. The service of the charges upon the officer shall be~~
24 ~~made by handing to the officer a copy of the charges, together with~~
25 ~~the affidavits or exhibits which may be attached to the original~~
26 ~~petition if the officer can be found; if the officer cannot be~~
27 ~~found a copy shall be left at the last place of residence of the~~
28 ~~officer with a person of suitable age, if a person can be found. If~~
29 ~~a person cannot be found, a copy shall be posted in a conspicuous~~



1 ~~place upon the officer's last known place of residence. An officer~~
 2 ~~who has been removed in accordance with this section shall not be~~
 3 ~~eligible for election or appointment to an office for a period of 3~~
 4 ~~years after the date of removal from office.~~

5 (1) The governor may remove or suspend a township officer
 6 chosen by the electors of a township from office under this section
 7 if the governor is satisfied from the evidence submitted to the
 8 governor that the township officer is guilty of gross neglect of
 9 duty, corrupt conduct in office, or any other misfeasance or
 10 malfeasance in office.

11 (2) Before the governor removes or suspends a township officer
 12 under this section, all of the following procedures must be
 13 followed:

14 (a) Charges must be submitted to the governor in writing
 15 specifying the grounds for removal or suspension. The charges must
 16 be accompanied by any supporting evidence and by the affidavit of
 17 the individual making the charges verifying that the individual
 18 believes the charges to be true.

19 (b) A copy of the charges must be served on the township
 20 officer. Service must be made as follows:

21 (i) If the township officer can be found, by handing the
 22 township officer a copy of the charges and of any affidavits or
 23 exhibits accompanying the charges.

24 (ii) If the township officer cannot be found, by leaving a copy
 25 of the charges and of any affidavits or exhibits accompanying the
 26 charges with an individual of suitable age at the township
 27 officer's last known place of residence or, if an individual of
 28 suitable age is not available, by posting the copy or copies in a
 29 conspicuous place at the township officer's last known place of



1 residence.

2 (c) The township officer must be given an opportunity to
3 respond to the charges.

4 (d) Within 60 days after receiving charges under this
5 subsection, the governor shall do both of the following:

6 (i) Review the charges to determine whether the evidence
7 supports a finding of gross neglect of duty, corrupt conduct in
8 office, or any other misfeasance or malfeasance in office by the
9 township officer.

10 (ii) Notify the individual making the charges of the
11 determination made under subparagraph (i).

12 (3) The governor may consider the determination under
13 subsection (2) (d) (i) in exercising his or her duties under any law
14 of this state relating to the removal of a township officer.

15 (4) An individual removed from office under this section is
16 not eligible for election or appointment to any office for a period
17 of 3 years after the date of removal.

18 ~~Sec. 383. The governor shall remove all village officers~~
19 ~~chosen by the electors of a village if the governor is satisfied~~
20 ~~from sufficient evidence submitted to the governor that the officer~~
21 ~~is guilty of official misconduct, wilful neglect of duty,~~
22 ~~extortion, or habitual drunkenness, or has been convicted of being~~
23 ~~drunk, or if it appears by a certified copy of the judgment of a~~
24 ~~court of record of this state that a village officer, after the~~
25 ~~officer's election or appointment, has been convicted of a felony.~~
26 ~~The governor shall not take action upon any charges made to the~~
27 ~~governor against a village officer until the charges have been~~
28 ~~exhibited to the governor in writing, verified by the affidavit of~~
29 ~~the party making them, that the party believes the charges to be~~



1 ~~true. A village officer must not be removed for misconduct or~~
 2 ~~neglect until charges of misconduct or neglect have been exhibited~~
 3 ~~to the governor as provided in this section and a copy of the~~
 4 ~~charges served on the officer and an opportunity given the officer~~
 5 ~~of being heard in his or her defense. The service of the charges~~
 6 ~~upon the person or persons complained against must be made by~~
 7 ~~personal service to the officer of a copy of the charges, together~~
 8 ~~with all affidavits or exhibits which may be attached to the~~
 9 ~~original petition, if the officer can be found, and if not, by~~
 10 ~~leaving a copy of the charges at the last known place of residence~~
 11 ~~of the officer with a person of suitable age, if a person of~~
 12 ~~suitable age can be found, and if not, by posting the copy of the~~
 13 ~~charges in a conspicuous place at the officer's last known place of~~
 14 ~~residence. An officer who has been removed from office under this~~
 15 ~~section is not eligible for election or appointment to any office~~
 16 ~~for a period of 3 years from the date of the removal from office.~~

17 **(1) The governor may remove or suspend a village officer**
 18 **chosen by the electors of a village from office under this section**
 19 **if the governor is satisfied from the evidence submitted to the**
 20 **governor that the village officer is guilty of gross neglect of**
 21 **duty, corrupt conduct in office, or any other misfeasance or**
 22 **malfeasance in office.**

23 **(2) Before the governor removes or suspends a village officer**
 24 **under this section, all of the following procedures must be**
 25 **followed:**

26 **(a) Charges must be submitted to the governor in writing**
 27 **specifying the grounds for removal or suspension. The charges must**
 28 **be accompanied by any supporting evidence and by the affidavit of**
 29 **the individual making the charges verifying that the individual**



1 believes the charges to be true.

2 (b) A copy of the charges must be served on the village
3 officer. Service must be made as follows:

4 (i) If the village officer can be found, by handing the village
5 officer a copy of the charges and of any affidavits or exhibits
6 accompanying the charges.

7 (ii) If the village officer cannot be found, by leaving a copy
8 of the charges and of any affidavits or exhibits accompanying the
9 charges with an individual of suitable age at the village officer's
10 last known place of residence or, if an individual of suitable age
11 is not available, by posting the copy or copies in a conspicuous
12 place at the village officer's last known place of residence.

13 (c) The village officer must be given an opportunity to
14 respond to the charges.

15 (d) Within 60 days after receiving charges under this
16 subsection, the governor shall do both of the following:

17 (i) Review the charges to determine whether the evidence
18 supports a finding of gross neglect of duty, corrupt conduct in
19 office, or any other misfeasance or malfeasance in office by the
20 village officer.

21 (ii) Notify the individual making the charges of the
22 determination made under subparagraph (i).

23 (3) The governor may consider the determination under
24 subsection (2) (d) (i) in exercising his or her duties under any law
25 of this state relating to the removal of a village officer.

26 (4) An individual removed from office under this section is
27 not eligible for election or appointment to any office for a period
28 of 3 years after the date of removal.

